

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ERIN BAUER in her individual capacity
and as administratrix of the ESTATE OF
PAUL BAUER,

Case No. 2:20-cv-00215(PP)

Plaintiffs,

v.

ARMSLIST, LLC and JONATHAN
GIBBON,

Defendants.

JOINT MOTION FOR RULE 16(a) STATUS CONFERENCE

PLEASE TAKE NOTICE that Plaintiff Erin Bauer and Defendants Armslist, LLC, and Jonathan Gibbon (collectively, “the Parties”) jointly move this Court, pursuant to Federal Rule of Civil Procedure 16(a), to convene a status conference at the Court's earliest convenience to address the status of pending motions, a schedule for discovery, if necessary, and further proceedings in this case.

On October 29, 2020, the Court heard argument on Defendants’ Motions to Dismiss. *See* Dkt. Nos. 5-10, 25. While the Court granted Defendants’ Motion as to Mr. Gibbon for lack of personal jurisdiction from the bench, the Court also indicated it would entertain amendment of the First Amended Complaint. *See* Dkt. Nos. 24-25. The Court stated: “I’d be willing to allow you to file an amended complaint, but I encourage you not to do it right yet. Let me take a look at the other issues because if I come to a particular conclusion on the other issues, you wish to

amend on those as well so why don't you wait until you get a final decision from me, and then we'll see." Dkt. No. 25 at 44.

Otherwise, Defendants' motions remain pending, and to date, in accordance with the Court's direction, there has been no amended pleading forthcoming. Further, in a subsequent matter involving Defendants, the plaintiffs indicated on the civil coversheet that matter was related to this case. *See also Webber v. Armslist, LLC, et al.*, Case No. 1:20-cv-01526 (Griesbach, J.), Dkt. No. 1-1. The parties have likewise jointly moved for a status conference in that matter.

The parties agree it would be appropriate to convene a status conference to determine the status of pending motions, a scheduling order for any claims that survive dismissal, , a schedule for discovery, if needed, and any other administrative matters the Court deems appropriate to address. The Parties make this Motion without prejudice to their arguments, claims, and defenses raised previously or which might be raised in the future—*e.g.*, regarding Plaintiff's prospective amended pleading.

Rule 16(a) provides the Court may, in its discretion, direct attorneys for the parties to appear before it for a conference in order to expedite matters. Because of the strong public interest in a prompt and orderly resolution of the remaining issues in this case, the Parties respectfully request that the Court schedule a status conference by telephone or on Zoom at its earliest convenience to address procedures and a schedule for future proceedings.

Counsel for Defendants is available for a status conference any time during the next 30 days except October 29, November 11, and November 15. Counsel for Plaintiff is available during the next 30 days except for the following dates: November 8-15.

This 22nd day of October, 2021.

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